

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to FIG. 3. This sheet, which includes only FIG. 3, replaces the original sheet that contained FIG. 3.

Attachment: Replacement sheet.

REMARKS

The Abstract has been amended, and Claims 21, 22, and 32 have been amended. No claims have been newly added or canceled. Claims 23–30 stand withdrawn. Claims 1–20 have previously been cancelled. Claims 21, 22, 31, and 32 remain in the application. Applicant requests reconsideration of the application as amended in light of the remarks set forth below.

Amendments to Claims

The Abstract has been amended to eliminate terms and phraseology often used in patent claims. No new matter has been introduced.

Claims 21, 22, and 32 have been amended to correct issues with respect to 35 U.S.C. § 112. Support for these amendments is found in the specification as originally filed, and no new matter has been added. Please see the Table on page 7 of the December 31, 2003 Response for specifics.

Rejections Under 35 U.S.C. § 102

The rejection under 35 U.S.C. § 102 that the invention is anticipated by *Larsen* is believed moot in view of the foregoing amendments. As stated in the *Larsen* patent at col. 3, beginning at line 57, “These tubes are not connected internally but merely supply support to hold the tubing relatively evenly throughout vest halves 11 and 12.” *Larsen* therefore does not disclose a device having adjacent portions of flexible, continuous channel placed in fluid communication by passageways extending between corresponding adjacent portions.

The rejection under 35 U.S.C. § 102 that the invention is anticipated by *Elkins* is believed moot in view of the foregoing amendments. To the extent the rejection can be understood, *Elkins* does not disclose adjacent portions of flexible, continuous channel that are placed in fluid communication by passageways extending between corresponding adjacent portions at locations intermediate the ends of said adjacent portions.

The rejection under 35 U.S.C. § 102 that the invention is anticipated by *Bailey, Sr.* is respectfully traversed. The Examiner states that the sections 51 of the device of Bailey, Sr. constitute passageways connecting the adjacent portions of the flexible, continuous channel. If the sections 51 are considered the passageways, then the adjacent portions are not portions of a continuous channel, as the only means by which the adjacent portions are interconnected is by the sections 51. Conversely, if the sections 51 are considered part of the channel so that the adjacent portions are part of the same continuous channel, then there are no passageways connecting adjacent portions of the continuous channel. The sections 51 cannot be both part of a continuous channel and the passageways. *Bailey, Sr.* therefore does not disclose passageways connecting adjacent portions of a continuous channel, and the rejection is therefore improper.

As a separate basis for distinguishing over *Bailey, Sr.*, if the sections 51 are regarded as the passageways connecting adjacent portions of the continuous channel, then another limitation of the claims is not met, namely, the requirement that the passageways be configured with respect to the corresponding adjacent portions such that substantially all of the fluid flowing through said corresponding adjacent portions normally bypasses the passageways. *Bailey, Sr.* teaches exactly the opposite: ALL of the fluid flowing through the

adjacent portions passes through the blind pockets 51. Bailey, Sr. therefore does not disclose a device in which substantially all of the fluid flowing through said corresponding adjacent portions normally bypasses the passageways, and the rejection is therefore improper.

Double-Patenting Rejection

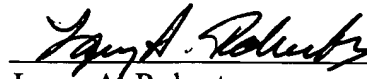
The Examiner has rejected Claims 21, 22, 31, and 32 for obviousness-type double patenting over Claims 1, 8–10, 13, 14, and 21 of U.S. Patent No. 5,967,225 to Jenkins, the same inventive entity as the present applicant. Without conceding the validity of the rejection, applicant believes that the rejection is moot in view of the foregoing amendments. There is nothing in any of Claims 1, 8–10, 13, 14, and 21 of the '225 patent which discloses or suggests a device having adjacent portions of flexible, continuous channel that are placed in fluid communication by passageways extending between corresponding adjacent portions at locations intermediate the ends of said adjacent portions. Nor has the Examiner attempted to combine any of Claims 1, 8–10, 13, 14, and 21 with any other prior art reference which would supply the missing teachings. For an obviousness-type double patenting rejection to stand, the invention must be obvious in view of the claims of the earlier patent; it is improper to look to the disclosure of the earlier patent. For these reasons, the obviousness-type double-patenting rejection should be withdrawn.

Timeliness of Response

A request for a three-month extension of time for filing a response, together with the fee required by 37 C.F.R. 1.17(a)(2), is enclosed. The time for filing a response is thereby extended to January 9, 2005. The foregoing response is therefore timely filed.

The foregoing is believed to be fully responsive to the Office Action dated July 6, 2004. For the reasons set forth above, the present application is believed to be in condition for allowance. Reconsideration of the application is requested, and allowance of the claims at an early date is courteously solicited.

Respectfully submitted:



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